

# House Study Bill 683

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON SWAIM)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to sentencing a person after a third or  
2 subsequent felony conviction, and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 6421YC 82  
5 jm/nh/8

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1 1 Section 1. NEW SECTION. 902.15 THIRD FELONY CONVICTION  
2 == ENHANCEMENT.  
3 1. Notwithstanding any other provision of the Code to the  
4 contrary, a person convicted of a third or subsequent felony  
5 shall be sentenced to serve an indeterminate term of life in  
6 prison in lieu of the penalty provided in the underlying  
7 felony offense.  
8 2. A person sentenced pursuant to this section shall serve  
9 a minimum term of confinement of fifty years of the sentence  
10 imposed in this section.  
11 3. A person sentenced pursuant to this section shall not  
12 be eligible for parole until the person has served the minimum  
13 term of confinement imposed by this section.  
14 a. A person shall not be paroled if pending criminal  
15 charges exist against the person.  
16 b. A person shall not be paroled if the person has been  
17 convicted of a criminal offense involving physical violence  
18 while confined.  
19 4. In order for a person to be sentenced under this  
20 section, the prosecuting attorney shall allege and prove that  
21 this section is applicable to the person.  
22 5. Convictions occurring prior to July 1, 2008, shall be  
23 considered a previous conviction in determining if a  
24 conviction is a third or subsequent felony conviction.  
25 6. A criminal conviction committed in another jurisdiction  
26 which would constitute a felony in this state shall be  
27 considered a previous conviction in determining if a  
28 conviction is a third or subsequent felony conviction.  
29 7. Successful completion of probation for a deferred  
30 judgment or an adjudication in juvenile court shall not be  
31 considered a previous conviction in determining if a  
32 conviction is a third or subsequent felony conviction.  
33 Sec. 2. Section 907.3, subsection 2, Code 2007, is amended  
34 by adding the following new paragraph:  
35 NEW PARAGRAPH. g. A sentence imposed for a third or  
1 subsequent felony conviction under section 902.15.  
2 Sec. 3. Section 907.3, subsection 3, Code 2007, is amended  
3 by adding the following new paragraph:  
4 NEW PARAGRAPH. g. A sentence imposed for a third or  
5 subsequent felony conviction under section 902.15.  
6 EXPLANATION  
7 This bill relates to sentencing a person after a third or  
8 subsequent felony conviction.  
9 The bill provides that a person convicted of a third or  
10 subsequent felony shall be sentenced to serve an indeterminate  
11 term of life in prison. A person sentenced pursuant to the  
12 bill shall serve a minimum of 50 years of the sentence imposed  
13 in this Code section.  
14 A person is not eligible for parole under the bill if  
15 pending criminal charges exist against the person or if the  
16 person has been convicted of a criminal offense involving  
17 physical violence while confined.  
18 Under the bill, convictions occurring prior to the

2 19 effective date of the bill shall be considered a previous  
2 20 conviction in determining if a conviction is a third or  
2 21 subsequent felony conviction.  
2 22     The bill provides that a criminal conviction committed in  
2 23 another jurisdiction which would constitute a felony in this  
2 24 state shall be considered a previous conviction in determining  
2 25 if a conviction is a third or subsequent felony conviction.  
2 26     Under the bill, successful completion of probation for a  
2 27 deferred judgment or an adjudication in juvenile court shall  
2 28 not be considered a previous conviction in determining if a  
2 29 conviction is a third or subsequent felony conviction.  
2 30     A person sentenced under the bill is not eligible for a  
2 31 deferred or suspended sentence. A person sentenced for a  
2 32 third felony conviction is already prohibited from receiving a  
2 33 deferred judgment pursuant to Code section 907.3, subsection  
2 34 1, paragraph "b".  
2 35 LSB 6421YC 82  
3 1 jm/nh/8